

OVERVIEW OF CORRECTIONS

DEPARTMENT OF CORRECTIONS

- **Authority of the Department of Corrections (“Department”) (28 V.S.A. § 101):** The authority of the Department includes the following powers:
 - *“establish, maintain and administer such state correctional facilities and programs as may be required for the custody, control, correctional treatment and rehabilitation of committed persons, and for the safekeeping of such other persons as may be committed to the department in accordance with law”*
 - *“operate diagnostic and treatment programs”*
 - *“administer the supervision of persons placed on probation and released on parole and to administer probation and parole services”*
 - *“charter, establish, and fund through grants such municipal entities or nonprofit organizations as may be required for providing crime prevention and restorative justice programs for offenders, victims of crime, and the public.*

- **Authority of the Commissioner of Corrections (“Commissioner”) (28 V.S.A. § 102):** The authority of the Commissioner includes the following powers:
 - *exercise supervisory power over and to establish and administer programs and policies for the operation of the correctional facilities of the Department, and for the correctional treatment of persons committed to the custody of the Commissioner”*
 - *“order the assignment and transfer of persons committed to the custody of the Commissioner to correctional facilities, including out-of-state facilities”*
 - *“establish community reparative boards”*
 - *“delegate to locally established boards or justice centers, the authority to assist, through use of community resources, in developing and implementing restorative justice programs for offenders, victims of crime and members of the community”*
 - *“rely upon the expertise of Department employees to provide core and substantive supervision of offenders and risk assessment determinations of the delivery of correctional services in both residential and nonresidential settings”*
 - *“establish and maintain at each correctional facility a program of treatment designed as far as practicable to prepare and assist each inmate to assume his or her responsibilities and to participate as a citizen of the State and community”*

- *“establish facilities and develop programs to provide inmates at correctional facilities with such education and vocational training deemed to be appropriate to the treatment of the inmates”*
- **Correctional Facilities:** There are seven correctional facilities in Vermont:
 - Northern State Correctional Facility (Newport)
 - Northwest State Correctional Facility (Swanton)
 - Chittenden Regional Correctional Facility (South Burlington)
 - Northeast Correctional Complex (St. Johnsbury)
 - Marble Valley Regional Correctional Facility (Rutland)
 - Southeast State Correctional Facility (Windsor)
 - Southern State Correctional Facility (Springfield)

PAROLE BOARD

- **Authority of the Parole Board [28 V.S.A. § 502a]:** An independent and impartial body that conducts interviews for inmates eligible for parole consideration.
 - *An inmate shall be released on parole by the written order of the Parole Board if the Board determines:*
 - *the inmate is eligible for parole;*
 - *there is a reasonable probability that the inmate can be released without detriment to the community or to the inmate; and*
 - *the inmate is willing and capable of fulfilling the obligations of a law-abiding citizen.*

KEY CORRECTIONS TERMS AND PROGRAMS

- **“Custody of the Commissioner”** means when a person is convicted of an offense and the court commits him or her to a term of imprisonment, the commitment shall be to the custody of the Commissioner. [28 V.S.A. § 701]
- **Employment of Inmates [28 V.S.A. chapter 11, subchapter 2]**
 - **“Offender work program”** means a program developed by the Commissioner for the purpose of using offender labor for the public good. The offender work programs board advises the Commissioner, who may establish and maintain industries, farms, and institutional work programs at appropriate correctional

facilities or other locations, plus community service work programs throughout the State. [28 V.S.A. § 751b-752]

- **“Work release program”** is when an inmate at a correctional facility is voluntarily employed outside the facility. The Commissioner may permit such employment if it is determined to be in the best interest of the inmate and of the State. [28 V.S.A. § 753.]
- **“Probation”** means a procedure under which a respondent, found guilty of a crime upon verdict or plea, is released by the court, without confinement, subject to conditions imposed by the court and subject to the supervision of the Commissioner. [28 V.S.A. § 201]
 - **“Community reparative boards”** means local committees comprising members of the community who are appointed by the Commissioner in consultation with nonprofit organizations or municipal entities in the localities concerned, for the purpose of carrying out restorative justice in a community. [28 V.S.A. § 910a]
 - **“Restorative justice”** is a program that is ordered as a condition of a sentence of probation for the purpose of obtaining probationer accountability, repairing harm and compensating a victim or victims and the community, increasing a probationer’s awareness of the effect of his or her behavior on a victim or victims and the community, and identifying ways to help a probationer comply with the law. [28 V.S.A. § 910]
- **Limits on Confinement**
 - **“Furlough”** means when the limits of the place of confinement of an inmate at any correctional facility are extended if the inmate agrees to comply with certain conditions. It is a legal status for an offender under the custody of the Commissioner serving all or part of the incarcerative sentence in the community outside a correctional facility. Furlough can be granted solely by the Department in cases such as to visit a critically ill relative, to attend a funeral of a relative, to obtain medical services, to contact prospective employers, and to secure a suitable residence for use upon discharge. When recommended by the Department and ordered by a court, an inmate can be placed on treatment furlough or home confinement furlough. This process is sometimes referred to as preapproved furlough. [28 V.S.A. § 808]

- **“Conditional reentry”** means a furlough by which a sentenced offender is released into a community under supervision at or beyond the minimum release date while participating in programs that assist the reintegration process. The offender’s ability to remain in the community under supervision is conditioned on the offender’s progress in reentry programs. [28 V.S.A. § 722]
- **“Home confinement furlough”** means an inmate has been sentenced to serve a term of imprisonment that restricts the defendant to a preapproved place of residence continuously, except for authorized absences, enforced by appropriate means of supervision, including electronic monitoring and other conditions such as limitations on alcohol, visitors, and access to firearms imposed by the court or the Department, or both. An offender may be placed in home confinement by the court or by the Department. A sentence to home confinement furlough may not exceed a total of 180 days. [28 V.S.A. § 808b]
- **“Reintegration furlough”** means the person has served almost all of his or her minimum sentence and has been released to the community under the supervision of the Commissioner. The Commissioner, at his or her sole discretion, may release an inmate on reintegration furlough up to 180 days prior to the inmate’s minimum sentence. [28 V.S.A. § 808c]
- **“Parole”** means the release of an inmate to the community by the Parole Board before the end of the inmate’s sentence subject to conditions imposed by the Board and subject to the supervision and control of the Commissioner. If a court or other authority files a warrant or detainer against an inmate, the Board may release him or her on parole to answer the warrant and serve any subsequent sentences. [28 V.S.A. § 402]
- **“Supervised community sentence”** means a court-imposed sentence of incarceration to be served in a community setting subject to the rules of the Commissioner. These offenders are under the jurisdiction of the Parole Board. [28 V.S.A. § 351]